

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Certain irregularities committed in having accorded "No Objection Certificates" for sale of plots to the members of Phase III, the Co-operative Industrial Estate Limited, Balanagar against Sri Malla Reddy, the then Administrative Officer, the Co-operative Industrial Estate Limited, Balanagar (retired) – Disciplinary Proceedings – Imposition of punishment of 5% cut in pension for 2 years - Orders - Issued.

INDUSTRIES AND COMMERCE (VIGILANCE) DEPARTMENT

G.O.Rt.No. 693

Dated.01.10.2012.
Read the following:

1. Charge Memo.No.40-2-2007-0203/0203/ID-1, Dt.01-10-2007 of COI, Hyderabad.
2. WSD of Sri Malla Reddy, Deputy Director Dt. 29-11-2007.
3. Memo.No.40/2/2007/0203/0203/ID-1, Dt.30-06-2008 of COI, Hyderabad.
4. Inquiry Report of the Addl. Director, O/o the COI, Hyderabad vide Lr.No.Addl. Dir. ®/Eng. Dt. 12-11-2009.
5. Explanation of Sri Malla Reddy, the then Deputy Director (Retd.) Dt. 04-01-2010, on the Inquiry Report.
6. From APPSC Lr.No.1503/RT/3/2012, Dt. 06-08-2012.
7. Govt. Memo.No.14311/Vig.A2/2010-6, Dt. 03-09-2012.
8. Explanation of Sri Malla Reddy, the then Deputy Director (Retd.) Dt. 10-09-2012, on Show Cause Notice.

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O R D E R:

The Commissioner of Industries, Hyderabad has initiated departmental action against Sri Malla Reddy, the then Administrative Officer, the Co-operative Industrial Estate Limited, Balanagar under Rule 20 (3) of APCS (CC&A) Rules, 1991 duly framing the following Articles of Charges vide Proceedings Ist read above:

CHARGE-I

That Sri Malla reddy, Deputy Director of Industries, while working as Administrative Officer, Co-operative Industrial Estate Limited, Balanagar, had issued "No Objection Certificates" to 42 members of phase-III, Co-operative Industrial Estate Limited, Balanagar during the period from 28.05.2007 to 31.08.2007 for sale of plots, taking into consideration of the minutes of the meeting held among members of Phase-III, Co-operative Industrial Estate Limited, Balanagar on 15.03.2007, which has no legal sanctity as per A.P.C.S Act; and without obtaining prior permission/orders of the Person In-charge Committee & District Registrar/State Registrar. He has also violated the instructions issued by the Commissioner of Industries vide Memo.No.1145-17-2-2003, dt.02.09.2003 and ignored the status-quo orders issued by the Hon'ble High Court of A.P. on 03.05.2005 in the matter.

Thus, he violated the provisions of Section-32(7)(b) of A.P Co-operative Societies Act 1964 as amended from time to time.

CHARGE.II

That he exercised un-delegated powers in having issued No Objection Certificates to 42 members of Phase-III, CIE, Balanagar, violating Bye-law No. 34 of the CIE. Ltd., Balanagar, Hyderabad and the instructions issued by the COI vide Memo.No.1145-17-2-2003, dt.02.09.2003.

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CHARGE-III

That he dis-obeyed the orders of Chairman, Person In-charge Committee passed on 25.04.2007; and failed to take necessary action to convene the General Body Meeting to discuss the matters relating to the members of phase-III, Co-operative Industrial Estate Limited, Balanagar, as the minutes of the meeting held on 15.03.2007 is not a legal base for taking any policy decision by the Administrative Officer since the said meeting is not in accordance with the Bye-laws / as per A.P.C.S Act – 1964.

Thus, he violated Rule-3 of A.P.C.S (Conduct) Rules – 1964.

CHARGE-IV

That he is responsible for floating the very objective of the Estate, which is to carry on the business of establishing and running of Industrial estates for small Industries; and the permission accorded for purchase of land vide Commissioner's Lr.No.605-17-2-88, dt.19-4-1988, since he has accorded no objection certificates to 42 members of phase-III, Co-operative Industrial Estate Limited,, Balanagar for sale of plots.

Thus, he violated the provisions in clause-2 of the bye-laws of Co-operative Industrial Estate Limited, Balanagar.

2. Sri Malla Reddy, the then Administrative Officer, the Co-operative Industrial Estate Limited, Balanagar has submitted his written statement of defense on the above charges to the Commissioner of Industries vide his representation Dt.29-11-2007 denying the charges framed against him and requested the Commissioner of Industries to drop the charges leveled against him. After having examined the explanation of the Accused Officer, the Commissioner of Industries has appointed Sri R.Madhusudhan Rao, Additional Director, office of Commissioner of Industries, AP, Hyderabad as Inquiring Authority to Inquire into the charges leveled against the above Accused Officer, under sub-rule 2, rule 20 of APCS (CC&A) Rules, 1991 vide Memo. 3rd read above.

3. Sri R.Madhusudhan Rao, the Inquiry Authority and Additional Director, office of Commissioner of Industries, Hyderabad, has submitted his inquiry report to the Commissioner of Industries, Hyderabad on 12-11-2009 vide reference 4th read above. In his Inquiry report, it was held by the Inquiry Authority that the charges leveled against the Accused Officer are proved. The enquiry report was served on the Accused Officer by the Commissioner of Industries, Hyderabad under sub-rule (2) rule 21 of APCS (CC&A), Rules, 1991, with a request to submit his representation if any, on the enquiry report. Sri Malla Reddy has submitted his explanation on the enquiry report to the Commissioner of Industries on 04-01-2010 and requested to drop all the above charges stating that, as he performed the action with good faith and in the interest of 158 members of Co-operative Industrial Estate, as well as the Society.

4. As the charges were proved against Sri Malla Reddy, the then Administrative Officer, the Co-operative Industrial Estate Limited, Balanagar (now retired) during the enquiry, Government being the competent authority to issue final orders under rule 9 of A.P Revised Pension Rules, 1980, have provisionally decided to impose the punishment of 5% cut in pension for 2 years against him, under rule 9 (1) of APRPR, 1980, after examining the explanation of the Accused Officer, with reference to findings of enquiry report. The A.P Public Service Commission, Hyderabad has also given their concurrence as the proposal of the Government to inflict the aforesaid punishment of cut in pension at the rate of 5% for a period of two (2) years against the Accused Officer vide reference 6th cited as the charges are held proved.

5. A show cause notice was issued to the Charged Officer, Sri Malla Reddy, Administrative Officer (retired), the Co-operative Industrial Estate Limited, Balanagar as per note under clause (a), Sub-rule 2 of Rule 9 of A.P Revised Pension Rules, 1980 vide Memo. 7th read above requesting the Charged Officer to submit his explanation if any, as to why the proposed punishment of 5% cut in pension for 2 years should not be impose against him. In response, the Accused Officer has furnished his explanation to the Principal Secretary to Government & CIP, Industries and Commerce Department on 10.09.2012 reiterating his earlier request to drop the further action in view of the reasons stated therein and finding no new grounds put forth by him.

6. Government, after careful examination of the matter and, in exercise of the power conferred under rule 9 of Andhra Pradesh Revision Pension Rules, 1980, here by order to impose the punishment of 5% cut in pension for 2 years against Sri Malla Reddy, the then Administrative Officer, the Co-operative Industrial Estate Limited, Balanagar (retired) under rule 9 (1) of APRPR, 1980, as the charges leveled against him are held proved during the enquiry.

7. The Commissioner of Industries, Hyderabad shall take immediate further necessary action accordingly and submit the compliance report to Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.PRADEEP CHANDRA
PRINCIPAL SECRETARY TO GOVERNMENT & CIP

To

1. Sri Malla Reddy, the then Administrative Officer (retired), the Co-operative Industrial Estate Limited Balanagar now retired through Commissioner of Industries, Hyderabad.
2. The Commissioner of Industries, Hyderabad.

Copy to:

3. The A.P Public Service Commission, Hyderabad. with reference to theirLr.No.1503//RT/3/2012, Dt. 06-08-2012.
4. The Secretary to A.P Vigilance Commission, Hyderabad.
5. The Accountant General, A.P, Hyderabad.
6. The Pay & Accounts Officer, Hyderabad.
7. SF/SC.

//FORWARDED BY: :ORDER//

SECTION OFFICER